

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH AND GAME

Call to Order: By **SEN. JOSEPH (JOE) TROPILA**, on March 25, 2003
at 3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Keith Bales (R)
Sen. Gregory D. Barkus (R)
Sen. Ken (Kim) Hansen (D)
Sen. Dale Mahlum (R)
Sen. Trudi Schmidt (D)
Sen. Bill Tash (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Dan McGee, Vice Chairman (R)
Sen. Debbie Shea (D)

Members Absent: None.

Staff Present: Jane Hayden, Committee Secretary
Mary Vandembosch, Legislative Branch
Mari Prewett, Transcription of Minutes

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 352, HB 486, HJ 32, HB 649,
5/13/2003
Executive Action: HB 20, HB 283, HB 306, HB 396, HJ
32, HB 352, HB 649, HB 372, HB 486
not completed

HEARING ON HB 352

Sponsor: REP. JEFF LASZLOFFY, HD 22, Laurel.

Opening Statement by Sponsor:

REP. LASZLOFFY stated that HB 352 was a simple bill, that it was basically a policy decision. He went on to say that they were trying to place a sportsman on the Fish, Wildlife and Parks Commission. He explained that it was a five member commission which had a designated spot for a rancher and HB 352 simply was saying that there needed to be a sportsman added to the membership list. He pointed out that presently five of the members were ranchers, he continued that the way the bill would operate, was that one of those members would be a sportsman. He went on to discuss some of the changes made to the bill in the House.

Proponents' Testimony:

John Wilson, Montana Tout Unlimited, rose in support of HB 352. He discussed three bills that had been presented on the House side and stated that the bill was a good compromise and very reasonable.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. MAHLUM asked **REP. LASZLOFFY** what district the person would have to be from. **REP. LASZLOFFY** replied that no district had been specified.

SEN. BARKUS asked **REP. LASZLOFFY** if the term "sportsman" was gender neutral. **REP. LASZLOFFY** stated that they did not use the term "sportsman" in the bill they used the term "active member of a Montana outdoor recreationist organization," therefore, it was gender neutral.

SEN. BARKUS asked **REP. LASZLOFFY** if they had a problem in this area, and if the Governor was not appointing sportsmen or women to the Commission. **REP. LASZLOFFY** replied that he did not know if they had a problem, however, the sportsmen's groups felt that they did not have a member on the Commission as a voice. He went on to explain in further detail and pointed out that at present,

as well as in the past, the Commission had been dominated by landowners.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 5}

SEN. BARKUS asked **REP. LASZLOFFY** if he had a list of the recognized Montana outdoor recreationist organizations that would qualify. **REP. LASZLOFFY** replied that he did not.

SEN. BARKUS asked **REP. LASZLOFFY** if he had a perception as to what the organization would be and who would make the determination. **REP. LASZLOFFY** replied that the language was problematic. He went on to say, the thing that was important, was that it was a person who had purchased a hunting or fishing license in the last ten years.

SEN. BARKUS asked **REP. LASZLOFFY** if he would be opposed to an amendment striking that particular phrase. **REP. LASZLOFFY** responded that he would be pleased if they could, but he was not positive that they would be able to keep the bill alive.

SEN. MCGEE asked **REP. LASZLOFFY** if it was the same conversation they had with Laurel. **REP. LASZLOFFY** replied that it was.

SEN. MCGEE asked **REP. LASZLOFFY** if the organization they were talking about could be the Sierra Club, Montana Wildlife Federation or Trout Unlimited. **REP. LASZLOFFY** responded that it was, and that was the problem.

SEN. MCGEE asked **REP. LASZLOFFY** if it was not possible to amend the language, because of the title of the bill, to let the bill die. **REP. LASZLOFFY** replied that would be up to the Committee's discretion.

SEN. SCHMIDT asked **REP. LASZLOFFY** how many people were on the Commission and who they were. **REP. LASZLOFFY** replied that there were five members on the Commission and all of the people, at this time, had ties to a ranching background.

SEN. SCHMIDT asked **REP. LASZLOFFY** if, up until now, there had not been any requirements or guidelines to have a balance of people and had there ever been recreationists on the Commission. **REP. LASZLOFFY** that he did not know what the makeup had been in the past. He went on to discuss other bills that had been brought forward in the House that had addressed the issue.

SEN. BALES asked **REP. LASZLOFFY** if what he was saying, was that no one that had any connection with agriculture would be able to

be on the Fish and Game Board. **REP. LASZLOFFY** answered that he was not objecting to those people being on the Board, what he was talking about was that there was a perception of unfairness going around. He referred to the bill and commented on pertinent language.

SEN. BALES stated that he felt that the ranchers had been some of the strongest supporters for the Fish, Wildlife and Parks Commission. He went on to say that he felt by including recreationists they were leaving the door wide open and the person could even be a member of the Outfitters and Guides Association. **REP. LASZLOFFY** replied that outfitters had been specifically excluded and now were not, therefore, it could be an outfitter.

SEN. SCHMIDT asked **REP. LASZLOFFY** if the person he was talking about would be someone that had no previous connection to ranching. **REP. LASZLOFFY** replied that they had been working hard trying to get past the friction that exists. He stated that his argument was, if they included sportsman on the Commission it would help alleviate the friction.

SEN. SCHMIDT asked **REP. LASZLOFFY** if it was an urban versus rural issue. **REP. LASZLOFFY** stated that it was a difficult issue as there were a lot of rural Montanans that were sportsman. He went on to say that he did not mean for it to be a rural versus urban debate. He continued he was asked to bring the bill forward to allow sportsmen to have a voice on the Commission.

SEN. BALES asked **REP. LASZLOFFY** who the people on the Commission were. **REP. LASZLOFFY** replied that he did not have the information with him. **SEN. BARKUS** informed the Committee that the members of the Commission were John Brandon, a farmer and bird hunter from Northeastern Montana; John Lane, a rancher from Cascade; Mike Murphy, a rancher; and Dan Walker from Billings.

Closing by Sponsor:

REP. LASZLOFFY reiterated that HB 352 was a simple bill, it was a policy decision. He continued that they wanted to have a dedicated voice for sportsman appointed to the Commission. He concluded by asking the Committee to give the bill favorable consideration.

{Tape: 1; Side: A; Approx. Time Counter: 5 - 15.3}

HEARING ON HB 486

Sponsor: REP. CHRISTINE KAUFMANN, HD 53, Helena.

Opening Statement by Sponsor:

REP. KAUFMANN stated that HB 486 would prohibit the importation of harvested elk and deer parts from any State or province that had confirmed cases of chronic wasting disease. She referred to Page 2 and talked about the exemptions and explained the purpose of the bill. **REP. KAUFMANN** informed the Committee that the states and provinces with confirmed cases of chronic wasting disease were Wyoming, South Dakota and the two provinces that border Montana to the North.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 2.5}

Proponents' Testimony:

Larry Peterman, Chief of Field Operations, Fish, Wildlife and Parks, discussed chronic wasting disease. **Mr. Peterman** presented his written testimony to the Committee, attached as Exhibit 1. He concluded by urging the Committee to support HB 486.

EXHIBIT(fis63a01)

{Tape: 2; Side: A; Approx. Time Counter: 2.5 - 5.2}

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

REP. KAUFMANN stated that she had been asked to carry the bill by sportsman's groups. She went on to say that the people that might possibly be inconvenienced by the bill were supporting it. She continued, saying that there was a test for chronic wasting disease and that it was coming down in price and the time it took to make the determination of whether or not the animal had the disease. **REP. KAUFMANN** remarked that people's hunting heritage would mean little if the disease were to become ramped in the wild populations and the risk was too great to gamble on. She commented that this was a small measure which could help in controlling the disease.

{Tape: 2; Side: A; Approx. Time Counter: 5.2 - 6.8}

HEARING ON HJR 32**Sponsor:** REP. DICK HAINES, HD 63, Missoula**Opening Statement by Sponsor:**

REP. HAINES stated that HJR 32 was a resolution that called for the Senate and House to urge the Governor, the State Congressional Delegation and the Secretary of the Interior to aggressively seek the immediate removal of the grey wolf from the endangered species list and turn the control and management of wolves in Montana over to the State of Montana. **REP. HAINES** explained the reasons for removing the wolves from the endangered species list. He went on to say that HJR 32 was a companion bill to HB 283. He remarked that HJR 32 along with HB 283 was a cry for help for a significant part of the State. He pointed out that it was time for Montana to control the resources and the future of Montana. He concluded, by saying that wolves had been removed from the endangered species list and were now shown as protected. **REP. HAINES** referred to a proposed amendment that would reflect the change in status of the wolves which is attached as Exhibit 2.

EXHIBIT(fis63a02)**Proponents' Testimony:**

Larry Peterman, Chief of Field Operations, Montana Fish, Wildlife and Parks, expressed their support for HJR 32. **Mr. Peterman** presented written testimony, attached as Exhibit 3. **Mr. Peterman** provided a copy of the Draft Environmental Impact Statement Executive Summary for the Committee's and Questions and Answers About the Final Rule to Reclassify/Delist the Gray Wolf for their information, attached as Exhibits 4 and 5 respectively.

EXHIBIT(fis63a03)**EXHIBIT(fis63a04)****EXHIBIT(fis63a05)**

Jay Bodner, Montana Stockgrowers Association, stated that the livestock industry had worked hard to discourage the reintroduction of wolves into Montana. **Mr. Bodner** commented on the problems that arose shortly after the reintroduction began. He went on to say that management actions needed to be implemented. He stated they felt that State management would be the best avenue to control the impact that wolves place on their industry. He continued by saying that the two most important things they wanted to accomplish was to protect livestock and

wildlife and put pressure on the Department of the Interior, but not delay the delisting process.

REP. LASZLOFFY, HD 22, Laurel, talked about the wolf population in Alaska. He explained that in Montana, once their prey base in the wild was depleted, they would move on to a domestic prey base. He went on to say that they needed to get a handle on the problem now, before there was a greater problem. He concluded by asking the Committee to pass the resolution.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 10}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. MCGEE referred **REP. HAINES** to Page 1, Line 21 and asked the reason for the significant changes in the numbers. **REP. HAINES** replied that the numbers had been changed in the House Committee as they felt that the new numbers better reflected the wolf population.

SEN. MCGEE asked **Mr. Peterman** the probability of wolves becoming carriers of chronic wasting disease as a result of eating elk. **Mr. Peterman** responded that they did not have any evidence at this point that would indicate that predators picked up chronic disease from elk. However, it was still an open question.

SEN. MCGEE asked **Mr. Peterman** how much research had been done in that area. **Mr. Peterman** replied that there was some research going on in Colorado, but was not sure how much.

SEN. TASH asked **Mr. Peterman** how they reached the 80% estimates regarding the diet of wolves. **Mr. Peterman** replied that he was not sure where the 80% came from. He went on to say that it depended on where the wolf packs were located what their diet would be, therefore, it depended on the availability of the prey base.

Closing by Sponsor:

REP. HAINES commented on the prey base in the Kalispell area. He stated that it was a simple bill, thanked the Committee for their time and asked for their support.

{Tape: 1; Side: A; Approx. Time Counter: 10 - 14.3}

HEARING ON HB 649

Sponsor: REP. PAUL CLARK, HD 72, Trout Creek.

Opening Statement by Sponsor:

REP. P. CLARK stated that HB 649 was a bill that would establish an in-stream flow mechanism. He explained that in-stream flow was the amount of water that remained in a stream after other beneficial uses. He commented on the reasons for leaving a certain amount of water in the streams. He then referred to the bill and discussed pertinent language. **REP. P. CLARK** remarked that the bill would establish a new funding source. He then distributed a handout, attached as Exhibit 6, which he commented on. **REP. P. CLARK** proposed a conceptual amendment on Page 1, Line 20, that would strike the word "must" and insert the word "may." He went on to explain the change that using the word "may" would make. He continued to discuss possible amendments to HB 649, water rights and their value. He concluded by saying that the bill was supported by the stockgrowers.

EXHIBIT (fis63a06)

Proponents' Testimony:

John Bloomquist, Montana Stockgrowers Association, explained why they felt HB 649 was a good bill. He concluded by saying that they stood in support of the HB 649.

{Tape: 4; Side: A; Approx. Time Counter: 0 - 7.2}

SEN. BALES asked **Mr. Bloomquist** if the leasing programs under Title 85 had a sunset clause. **Mr. Bloomquist** responded that there were sunsets on some of the programs.

SEN. BALES asked **Mr. Bloomquist** if there would be any way to put a sunset on this bill comparable to those on the Title 85 programs. **Mr. Bloomquist** replied that they would probably want to tie the funding to the sunsets of the provisions.

SEN. TASH asked **Mr. Bloomquist** asked if it was strictly voluntary. **Mr. Bloomquist** replied that Subsection 3 would tie it to the voluntary programs.

SEN. BARKUS asked **Mr. Bloomquist** to address the proposed amendment. **Mr. Bloomquist** stated that he did not see a problem with the amendment.

John Wilson, Montana Trout Unlimited, stated that they supported HB 649. He went on to say that HB 649 was for emergency low flow conditions. He continued by saying that they felt **REP. P.**

CLARK'S amendments made sense. **Mr. Wilson** commented on the sunset provisions and the augmentation portions of the bill.

SEN. BALES asked **Mr. Wilson** to explain the difference between augmentation and water leases. **Mr. Wilson** explained that water leases were voluntary agreements, augmentation was raising the dams by a couple of feet and leasing was provided for in specific terms under Title 85.

SEN. BALES asked **Mr. Wilson** if they raised a dam, and in essence created more useable water which would be subject to appropriation, if it would be different from this bill. **Mr. Wilson** answered by giving an example of augmentation.

SEN. BALES asked **Mr. Wilson** if they had signed a lease agreement for the water right. **Mr. Wilson** responded that the rancher had done it because he wanted to.

SEN. BALES asked **Mr. Wilson** if the rancher had abandoned his water right. **Mr. Wilson** replied that was not what he was saying. He explained that the rancher had the historic right to the water and if he chose to open the flood again he could do so.

SEN. TASH stated that was what had been done on the Big Hole. He went on to say that it was a collaborative practice and voluntary.

SEN. BALES asked **Mr. Wilson** if the water rights were not used for ten years would they be lost. **Mr. Wilson** replied that if they were historic water rights, they would retain those rights. He explained that abandoning a water right was a difficult thing to do. He went on to explain how water rights could be retained.

SEN. TASH stated that there were times when ranchers used both the water from the river and from a well. He further explained how they used both.

{Tape: 4; Side: A; Approx. Time Counter: 9.4 - 15.6}

Larry Peterman, Chief of Operations, Montana Fish, Wildlife and Parks, spoke to HB 649. **Mr. Peterman's** written testimony and proposed amendment is attached as Exhibit 7. He concluded by saying they would support HB 649 with the amendment.

EXHIBIT (fis63a07)

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. MAHLUM asked **Mr. Peterman** if in the areas that had open irrigation they lost a lot of fish. **Mr. Peterman** answered that at times, there was a potential to do so and explained how and when it could happen.

SEN. MAHLUM asked **Mr. Peterman** if the fish ever returned to the main body of water. **Mr. Peterman** replied that they lost some as they got too far up the ditch, however, they tried to minimize that loss.

SEN. TROPILA asked **REP. P. CLARK** about the proposed amendment to strike the word "must" and insert the word "may." **REP. P. CLARK** stated that he would leave the word "must" and on the next line insert the word "available." He went on to say, that if the funds were not available they would not be in violation of the law. He continued, saying that the word "must" set the tone that it was a priority. The word "may" sets the tone that maybe they would do it and maybe not.

SEN. TROPILA referred to Page 1, Line 21 and asked what the word "any" meant. **REP. P. CLARK** replied that the U. S. Fish and Wildlife Service State Wildlife Grants were funds that were available now, however, there maybe other grants available in the future.

A handout regarding Title 87 was provided to the Committee for their information and is attached as Exhibit 8.

EXHIBIT (fis63a08)

SEN. TROPILA asked if they meant all available funds or just certain funds. **REP. P. CLARK** stated that it was meant to be any funds that were currently available and any funds that might become available in the future. He went on to say that he felt it was something the Committee should discuss.

SEN. TROPILA asked **Mr. Peterman** if the word "must" was left in the bill, it would affect his feeling toward the bill. **Mr. Peterman** replied that he would have to look at it in the context of the bill. He stated what they were trying to do was find an effective funding source for water resources.

SEN. TROPILA asked **Mr. Peterman** if inserting the word "available"

on Line 21 before "uncommitted" would be amenable to him. **Mr. Peterman** expressed his views on the addition of the word.

{Tape: 4; Side: A; Approx. Time Counter: 15.6 - 28.6}

SEN. HANSEN asked **Mr. Peterman** about the federal funds. **Mr. Peterman** responded that his concern with the word "must" was that then they must use the federal funds. He went on to say that he was concerned that it would limit them from using other funding sources that would be more readily available.

SEN. BALES asked **REP. P. CLARK** if he was correct that Fish, Wildlife and Parks would never use the federal funds as they did not want to have to jump through hoops. **REP. P. CLARK** responded that he was right about the water leasing, however, they would be able to use federal funds for augmentation.

SEN. BALES suggested that an amendment might be appropriate. He went on to say that he did not like the word "may," and suggested that the word "will" or something like it would work better. He continued by saying that it would give some direction. He then gave examples of other words that might be better.

Closing by Sponsor:

REP. P. CLARK stated that he felt **SEN. BALES** would do an excellent job of presenting the bill on the floor of the Senate if it passed.

{Tape: 4; Side: B; Approx. Time Counter: 0 - 2.9}

Discussion on HB 407

Gary Hamel, Legislative Fiscal Division, distributed a handout on the Fish, Wildlife and Parks funding, attached as Exhibit 9. **Mr. Hamel** discussed the Fish, Wildlife and Parks' budget from 1999 until 2005. **Mr. Hamel** walked the Committee through the handout and talked about the budget and the various areas of funding. He specifically addressed the funding for the Parks Division.

EXHIBIT(fis63a09)

{Tape: 5; Side: A; Approx. Time Counter: 0 - 10.9}

Questions from the Committee

SEN. TASH asked **Mr. Hamel** about the 11 million new dollars. **Mr. Hamel** replied that the dollars were obtained by himself and another analyst. He went on to say that the importance of the numbers was the analysis of what made up the numbers. He then gave an explanation of what was contained in the numbers.

SEN. BALES asked **Mr. Hamel** how they could have a negative new proposal for Parks in 2005. **Mr. Hamel** explained that the entire Parks Division had present law adjustments and new proposals. He pointed out that the new proposals consisted of reductions, thereby eliminating general fund dollars from the Parks Division. He remarked that a number of funds had taken reductions in the Parks Division.

SEN. BALES asked **Mr. Hamel** about the budget cuts in the Executive Budget. **Mr. Hamel** outlined four areas that cuts had occurred in and explained those cuts.

SEN. BALES asked **Mr. Hamel** if they had new proposals that were going to be funded. **Mr. Hamel** replied that they did.

SEN. BALES asked **Mr. Hamel** if the total amount of new proposals was \$9,424,967. **Mr. Hamel** replied that the \$9.4 million figure represented all of the new proposals across the entire Department.

{Tape: 5; Side: A; Approx. Time Counter: 10.9 - 16.4}

SEN. SPRAGUE asked **Mr. Hamel** if the new proposals considered the new legislation that had just been passed. **Mr. Hamel** replied that some of the legislation was being considered in HB 2. He went on to mention some proposals that were still in Committee awaiting authority for implementation.

SEN. MAHLUM remarked to **Mr. Hamel** that if they took the entire Fish, Wildlife and Parks budget for 2005 and put it into the General Fund, they would not have any problems. **Mr. Hamel** replied that they would get into the problem of fund types.

Mary Vandenbosch, Legislative Services, pointed out that the numbers presented by **Mr. Hamel** dealt with the entire budget for Fish, Wildlife and Parks.

{Tape: 5; Side: A; Approx. Time Counter: 16.4 - 20.2}

EXECUTIVE ACTION ON HB 20

Ms. Vandebosch distributed a proposed amendment presented by **SEN. MCGEE**, attached as Exhibit 10.

EXHIBIT(fis63a10)

Motion: **SEN. BARKUS** moved that HB 20 BE CONCURRED IN.

Motion: **SEN. BARKUS** moved that HB 20 BE AMENDED.

Discussion:

SEN. SPRAGUE asked **Ms. Vandebosch** what the amendments did. **Ms. Vandebosch** explained the amendments and how they would affect the bill.

SEN. SCHMIDT asked what the amendment would do. **Ms. Vandebosch** responded that it would add the principal that the organization must focus on the conservation of mule deer, as opposed to just being involved in the conservation process.

Vote: Motion that AMENDMENTS TO HB 20 BE CONCURRED IN carried unanimously by all parties present.

Motion: **SEN. SPRAGUE** moved that HB 20 BE CONCURRED IN AS AMENDED.

Discussion:

SEN. BALES expressed his views on predator effects on the elk and mule deer populations.

SEN. BARKUS stated that he felt HB 20 was a good idea and that he liked the amendment.

Vote: Motion that HB 20 BE CONCURRED IN AS AMENDED carried unanimously with **SENS. MCGEE** and **SHEA** voting aye by proxy.

SEN. BARKUS will carry HB 20 on the floor of the Senate.

{Tape: 5; Side: A; Approx. Time Counter: 20.2 - 26.1}

EXECUTIVE ACTION ON HB 283

Motion: **SEN. BALES** moved that HB 283 BE CONCURRED IN.

Motion: SEN. BALES moved that HB 283 BE AMENDED.

Discussion:

Ms. Vandebosch explained the amendment, attached as Exhibit 11, to the Committee and stated that the amendment would make Section 2 the whole bill.

EXHIBIT(fis63a11)

SEN. SPRAGUE informed the Committee that the amendments had been proposed at the request of **REP. FUCHS**.

{Tape: 5; Side: A; Approx. Time Counter: 26.1 - 28.7}

SEN. SCHMIDT asked **Ms. Vandebosch** if there would be an expense associated with Section 2. **Ms. Vandebosch** replied that the Attorney General thought that there would be an expense involved with Section 2. She went on to point out that the request on the fiscal note was for litigation, not for preparing legal opinions.

The Committee discussed what may or may not be litigated.

Ms. Vandebosch informed the Committee that the bill would require the Attorney General to be proactive in looking at options, but would not require him to litigate. She went on to say that she felt the amendments would reduce the fiscal note.

{Tape: 5; Side: B; Approx. Time Counter: 0 - 2.4}

SEN. SCHMIDT asked if the amendment did anything to the technical note. **Ms. Vandebosch** replied that the technical note required the Attorney General's Office to initiate litigation, however, with the amendment they would no longer be required to do so.

Vote: Motion that AMENDMENT TO HB 283 BE CONCURRED IN carried unanimously by all parties present.

Motion/Vote: SEN. SHEA moved that HB 283 BE CONCURRED IN AS AMENDED. Motion carried unanimously with SENS. MCGEE and SHEA voting aye by proxy.

SEN. SPRAGUE will carry HB 283 on the floor of the Senate.

{Tape: 5; Side: B; Approx. Time Counter: 2.4 - 3.6}

EXECUTIVE ACTION ON HB 306

Motion/Vote: SEN. SPRAGUE moved that HB 306 BE CONCURRED IN.
Motion carried unanimously with SENS. MCGEE and SHEA voting aye by proxy.

SEN. MCGEE will carry HB 306 on the floor of the Senate.

{Tape: 5; Side: B; Approx. Time Counter: 3.6 - 4.9}

EXECUTIVE ACTION ON HB 372

Motion: SEN. BARKUS moved that HB 372 BE INDEFINITELY POSTPONED.

Discussion:

SEN. BARKUS stated that it was unnecessary legislation as the Commission already had full authority to open the seasons on Saturdays if they wanted to.

SEN. SPRAGUE reported that he had spoken with a member of the Commission and if the bill did not pass they would discuss how to implement the process under their own authority.

Vote: Motion that HB 372 BE INDEFINITELY POSTPONED carried 10-0 with SEN. SHEA voting aye by proxy and SEN. BARKUS voting aye for SEN. MCGEE.

{Tape: 5; Side: B; Approx. Time Counter: 4.9 - 7.2}

EXECUTIVE ACTION ON HB 396

The proposed amendments for HB 396 were distributed to the Committee and are attached as Exhibit 12.

EXHIBIT(fis63a12)

Motion: SEN. SPRAGUE moved that HB 396 BE CONCURRED IN.

Motion: SEN. BARKUS moved that HB 396 BE AMENDED.

Discussion:

Mary Vandenbosch explained that the amendments would do two things. She stated that they would clarify that the person who issued the license would not have to put their hands on the

certificate of the person who had completed the Hunters Safety and Education Class, as it could be done through the automatic licensing system. She went on to say that the other thing the amendments would do was allow a person to qualify for a license by completing a course in any state.

Motion/Vote: SEN. MCGEE moved that AMENDMENTS TO HB 396 BE CONCURRED IN. Motion carried unanimously by members present and with SEN. BARKUS voting aye for SEN. MCGEE.

Motion/Vote: SEN. SPRAGUE moved that HB 396 BE CONCURRED IN AS AMENDED. Motion carried 9-1 with SEN. SHEA voting aye by proxy and SEN. MCGEE voting no by proxy.

SEN. BALES will carry HB 396 on the floor of the Senate.

{Tape: 5; Side: B; Approx. Time Counter: 7.2 - 12.1}

EXECUTIVE ACTION ON HJR 32

Motion: SEN. SPRAGUE moved that HJR 32 BE CONCURRED IN.

Discussion:

Ms. Vandembosch gave an overview of the proposed amendments which were attached as Exhibit 2.

Motion/Vote: SEN. BARKUS moved that HJR 20 BE AMENDED. Motion carried unanimously by members present.

Vote: Motion that HJR 32 BE CONCURRED IN AS AMENDED carried unanimously by members present.

SEN. TROPILA will carry HJR 32 on the floor of the Senate.

{Tape: 5; Side: B; Approx. Time Counter: 12.1 - 14.8}

EXECUTIVE ACTION ON HB 486

Motion: SEN. TROPILA moved that HB 486 BE CONCURRED IN.

Discussion:

SEN. BALES referred to Page 2 of the bill and the language regarding removal of the brain tissue and spinal column. He pointed out that chronic wasting disease was a brain disease and

wondered if the regulations should not be made stricter. **Larry Peterman** explained that the recommendations had come from the Western Association of Fish and Wildlife Agencies. He went on to say that all of the health specialists had gotten together and developed the criteria that would minimize the transfer of chronic wasting disease. He continued that it had been determined, that by removing the brain tissue, it was safe to bring the antlers in.

SEN. MAHLUM asked **Mr. Peterman** if the bill was something they wanted. **Mr. Peterman** responded that they had testified in support of the bill.

SEN. BARKUS asked if the bill created problems, as the law required that proof of sex be attached to animal while it was being transported. **Mr. Peterman** stated that he was not sure he could answer the question. He went on to say that the issue of chronic wasting disease was such, that it was their primary concern at this point.

SEN. BARKUS asked **Mr. Peterman** how chronic wasting disease was transmitted from dead animals. **Mr. Peterman** stated that the infectious organism did not die with the animal it remained viable.

Vote: Motion that HB 486 BE CONCURRED IN carried 5-4 with **SENS. BARKUS, TASH** and **BALES** voting no and **SEN. MCGEE** voting no by proxy.

Further Discussion on HB 486:

SEN. BALES asked that the Department provide more information regarding the need to provide proof of sex while transporting dead animals. He went on to say that he felt it could cause problems.

Motion/Vote: **SEN. SPRAGUE** moved to reconsider the action taken on HB 486. Motion carried unanimously by members present.

SEN. MAHLUM stated that he had the same question as **SEN. BALES** in respect to animals being transported out-of-state.

HB 486 was set aside to be dealt with after more information had been acquired.

{Tape: 5; Side: B; Approx. Time Counter: 14.8 - 25}

EXECUTIVE ACTION ON HB 352

SEN. TASH stated that he felt they should indefinitely postpone taking action on HB 352. He went on to express his concerns regarding the bill.

Motion/Vote: **SEN. MAHLUM** moved that HB 352 BE INDEFINITELY POSTPONED. Motion carried unanimously by members present.

{Tape: 6; Side: A; Approx. Time Counter: 0 - 1.7}

EXECUTIVE ACTION ON HB 649

Mary Vandebosch informed the Committee that if they had proposed amendments to HB 649 to let her know by the end of the day. She went on to say that she had a couple of legal and technical concerns about the bill. **Me. Vandebosch** apprised the Committee of her concerns.

SEN. TASH stated that he was not convinced that the bill was necessary and expressed his concerns regarding it.

Motion: **SEN. TASH** moved that HB 649 BE INDEFINITELY POSTPONED.

Discussion:

The Committee discussed how many proponents and how many opponents there had been for the bill and the proposed amendment made by the Department.

SEN. BALES stated that the impression he had gotten from the Sponsor was that he wanted to mandate that Fish, Wildlife and Parks use the federal funds.

Vote: Motion that HB 649 BE INDEFINITELY POSTPONED carried unanimously with **SEN. BARKUS** voting aye for **SEN. MCGEE**.

{Tape: 6; Side: A; Approx. Time Counter: 1.7 - 7.9}

ADJOURNMENT

Adjournment: 5:35 P.M.

SEN. MIKE SPRAGUE, Chairman

MARI PREWETT, Secretary

MS/MP

EXHIBIT (fis63aad)